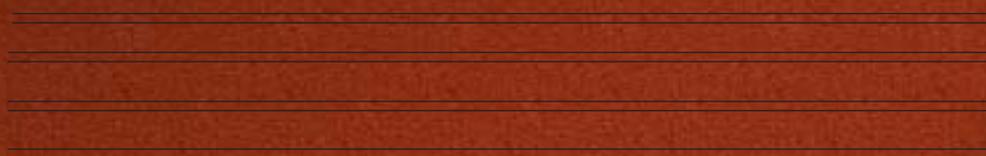


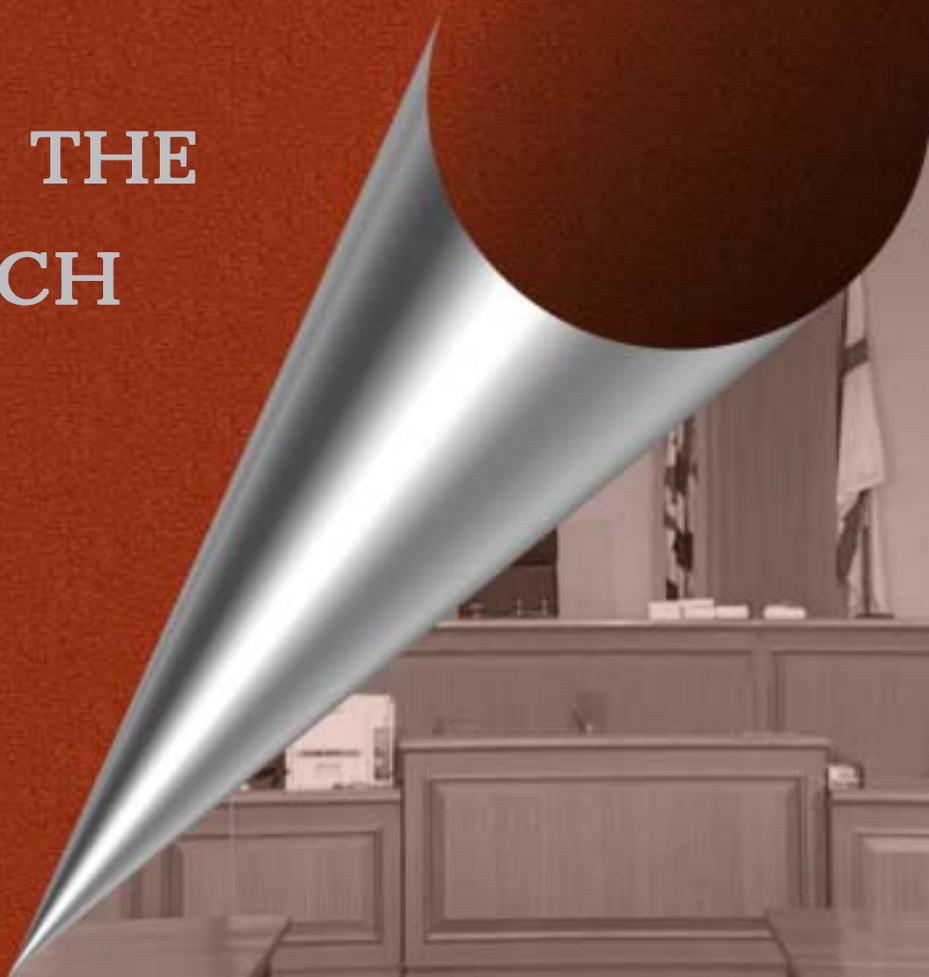
MARYLAND JUDICIARY

2000-2001

ANNUAL REPORT



A LOOK INSIDE THE
JUDICIAL BRANCH



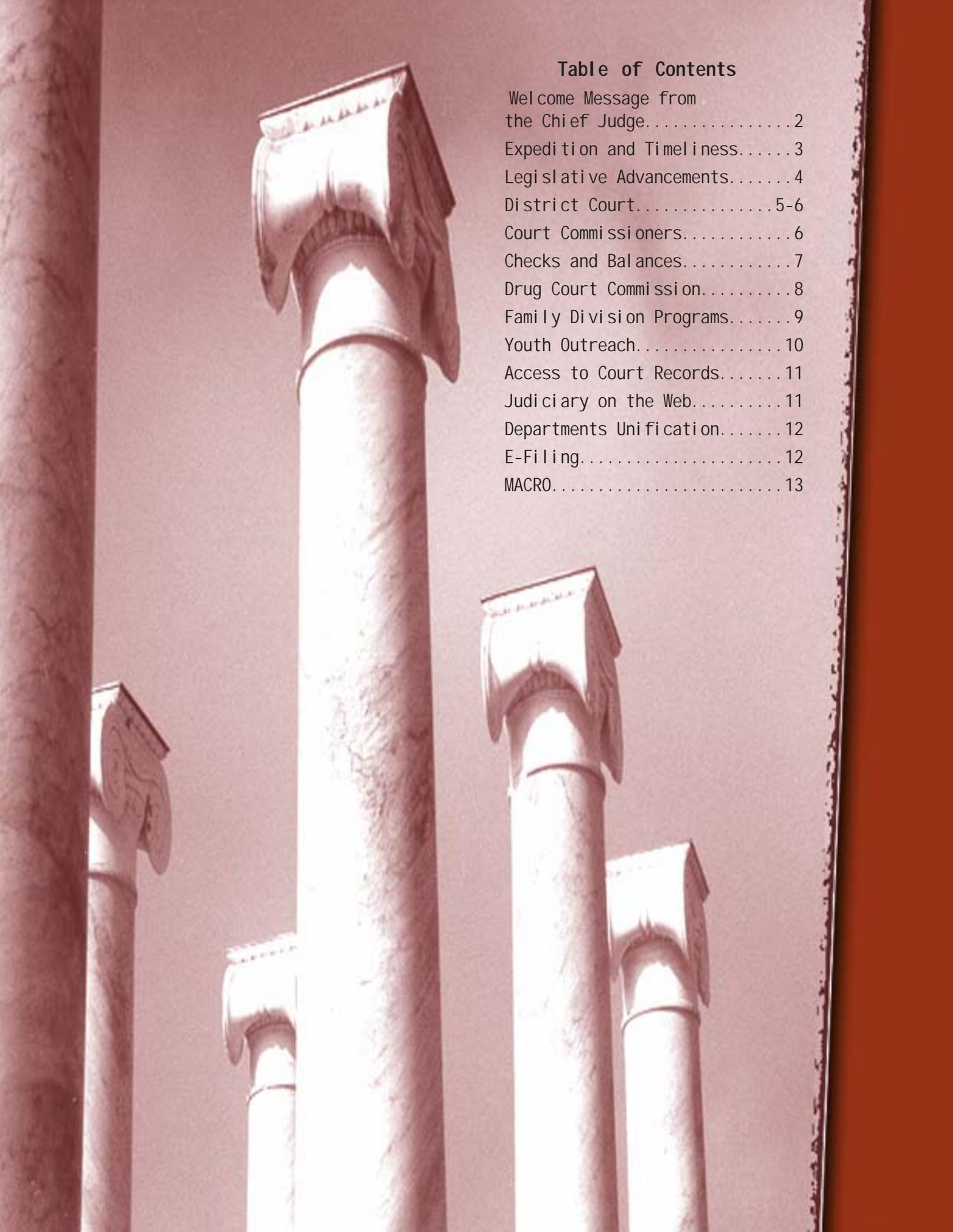


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A Message From Chief Judge Robert M. Bell

This year's Annual Report of the Maryland Judiciary continues to reflect the Maryland Judiciary's emphasis on, and consistent commitment to, public trust and confidence. In its two volumes is evidence of the new and exciting paths into which the Judiciary has embarked during the last year, notable among them being the Judiciary-wide expedition and timeliness effort. This is accomplished by providing a descriptive and statistical snapshot of the work of the Judiciary, including the appellate and trial courts, the Administrative Office of the Courts and the court-related agencies, working together to ensure the fair and timely administration of justice. I trust that you will find the Annual Report of the Maryland Judiciary informative and useful.

I applaud the Judiciary's most valuable resource, its cadre of dedicated staff, whose commitment to service and quality of work are reflected in these volumes.

A handwritten signature in black ink that reads "Robert M. Bell". The signature is written in a cursive, flowing style.





EXPEDITION AND TIMELINESS

Case Time Standards

At its first meeting in September 2000, the newly-formed Maryland Judicial Council established the fair and expeditious disposition of cases as the most important issue on which to concentrate its attention. The Council's Expedition and Timeliness initiative confirms case processing time as a vital justice issue and the need for judiciary accountability for reasonable case processing times statewide.

Since that first meeting, there have been three substantive developments: (1) the entire judiciary has been engaged in the development of case time standards for the trial courts; (2) a data collection methodology for gathering critical data has been designed; and (3) an initial assessment of each trial court based on the standards has been completed.

Assessment results suggest that there is room for improvement statewide and in every Maryland trial court. Each court has been tasked to develop a plan that specifically identifies how it will improve case expedition and timeliness. On a statewide level, the Administrative Office of the Courts will facilitate the identification and transfer of case management best practices; develop case management training for court executive teams including judges, administrators and clerks; provide technical assistance; and conduct a follow-up assessment in 2002.

Case expedition and timeliness is an on-going commitment of the Maryland Judiciary. The Council's aim is to increase capacity and accountability for the most fundamental thing for which courts are responsible: the processing of cases from filing to disposition. By establishing self-imposed standards and assessing performance given those standards, the Judiciary has taken responsibility for trial court performance and their internal and external accountability.

"The Judiciary recognizes the critical importance associated with the fair and expeditious disposition of cases within the trial courts," said Chief Judge Bell. "The implementation of these standards will enable us to assess quantitatively our current performance, while also evaluating how various components of the system work."

The Council's Expedition and Timeliness initiative confirms case processing time as a vital justice issue and the need for judiciary accountability for reasonable case processing times statewide.



ADVANCEMENTS THROUGH LEGISLATION

Circuit Court Action Plan

The Judiciary is now able to successfully implement another step in the 1999 Circuit Court Action Plan, due to the passage of legislation in the 2001 session. The Judicial Conference requested legislation that would further balance the Maryland Judiciary's budgetary responsibilities between the State and local jurisdictions.

Following the steps taken in fiscal 2000 to provide for State employment of new masters and for increasing the State per diem for jurors (both effective in 2002), legislation passed in 2001 provides for the State assumption of law clerk salaries and benefits.

Juvenile Court Transfer

Other new legislation includes the transferring of the juvenile court jurisdiction in Montgomery County from the District Court to the circuit court. The transfer enables Montgomery County—the last county to have its juvenile court housed in the District Court—to provide family divisions with comprehensive jurisdiction over all civil legal matters relating to the family.

The transfer, which will become effective in March 2002, should impact case management practices and improve the services available to families.

Domestic Violence Case Management

Modifications to Maryland Rules 2-327 and 3-326 should improve case management in the filing of domestic violence petitions. Under new legislation, effective January 2002, judges are permitted to transfer cases between District and circuit courts when there have been multiple filings, or when related cases are pending in circuit court.

When a petitioner files for an *ex parte* order in the District Court, for example, the judge hearing the *ex parte* will be provided information regarding any matters filed in circuit court involving one or more of the parties. The judge will review the information and may, when appropriate, transfer the case to the circuit court for the protective order hearing. The process is the same for those filing for relief in circuit court.

CINA

After three legislative sessions, the Maryland Judiciary's Foster Care Court Improvement Project (FCCIP) Implementation Committee successfully obtained passage of the Child In Need of Assistance (CINA) statute, which separates CINA provisions from the delinquency and Child In Need of Supervision (CINS) provisions.

Previously, the CINA statute was interpreted and applied in different ways throughout the state, primarily because it was combined with CINS and delinquency provisions. The FCCIP CINA Subcommittee pursued a statute that would provide a separate statute that was clear, precise and comprehensive.

The CINA Statute

- ☞ Empowers the juvenile court to hear guardianship review proceedings arising after a termination of parental rights proceeding;
- ☞ Gives the juvenile court concurrent jurisdiction over custody, visitation, child support, and paternity cases over a child where a CINA petition has been filed;
- ☞ Upon removal of a child, clarifies that a hearing shall be held the next day that court is in session, instead of scheduling shelter care proceedings only once or twice a week;
- ☞ Specifies times for delivery of certain evaluations, studies, and reports;
- ☞ Requires that a separate petition be filed for each child; and
- ☞ Specifies procedures for transferring CINA cases between counties.





CELEBRATING 30

District Court 1971 - 2001

The District Court proudly celebrated 30 years of outstanding service to the citizens of Maryland last year. The Court has seen tremendous growth since its inception in 1971. At the conclusion of its first year, the Court had processed just under 800,000 cases; today, more than 2 million cases are heard annually.

District Court cases cover a wide variety of issues, including traffic violations, criminal offenses, and civil matters such as small claims and landlord-tenant disputes.

While much has changed during the past 30 years, the District Court's 1,300 employees remain committed to the mission of providing equal and exact justice for all who are involved in litigation before the court.

I More information on the District Court can be found on the Maryland Judiciary website, www.courts.state.md.us/district/index.html

During this past year, the District Court took the first steps toward installing a new digital recording system, including the selection of a vendor and the development of an installation schedule. The technologically-advanced system will allow digital recordings of court proceedings to be integrated with the Court's data records. The new system will make it much easier to play, archive, and transport audio court records.



The District Court installed video teleconferencing equipment in Baltimore City and the Court's headquarters in Annapolis. Video teleconferencing has great potential for improving access to training, increasing opportunities to meet with individuals from other parts of the State, and realizing savings in travel time and costs.



Continuing its focus on providing quality service to the public, the District Court created a permanent Alternative Dispute Resolution (ADR) office, which coordinates the mediation programs that have started on a pilot basis in several counties. The ADR office held a conference in March, 2001, "Developing Partnerships Between Community Resources and District Court for Mediation of Civil Cases." The conference brought together mediators, community mediation centers, and members of the Judiciary.

YEARS

The District Court is striving to make the courts more accessible through its "E-Service Initiative." This initiative reflects the Court's commitment to excellence, equality and efficiency. It focuses on providing information about the court and processes by producing understandable, easy-to-read brochures, website material and forms, and addressing issues faced by individuals with disabilities and those who speak a foreign language.



Emphasis on training has led to a substantial increase in the knowledge and skills of court staff. District Court employees took part in more than 1,700 units of training through 71 classes available on such topic areas as mediation awareness, communication skills, and customer service. The Court also held its annual Supervisors Workshop, and conducted domestic violence training for Court Commissioners and caseload management training for Administrative Judges.



In an ongoing effort to streamline court processes and accelerate the resolution of cases, the District Court conducted a statewide statistical study involving the review and analysis of 15,000 cases. This information will be used in the Judiciary-wide effort to establish standards for expedition and timeliness of cases.

DISTRICT COURT COMMISSIONERS

District Court Commissioners are judicial officers who hold hearings in criminal and traffic cases, and who determine the conditions for pre-trial release for arrested individuals. Commissioners also review applications from law enforcement agencies and private citizens for the issuance of charging documents. After reviewing for probable cause, the commissioner may issue any applicable charges based on the statement of facts in the application.

In fiscal 2000-2001, District Court Commissioners conducted 163,127 initial appearances, issued 66,856 charging documents, posted 51,474 bonds, and processed 9,429 circuit court cases, juvenile waivers and criminal information documents.

The District Court added new court commissioner's offices in Prince George's and Carroll County. The new station in Prince George's County is expected to generate over 25,000 activities per year, including initial appearance hearings, bond hearings, and applications for statement of charges.

In Carroll County, a satellite station was opened to assist with the increasing use of commissioners by police and citizens. The new offices join the rest of the state in providing its citizens with access to on-call commissioners 24 hours a day, 7 days a week.

Court commissioners will have additional responsibilities pending new legislation. The Maryland Judiciary and the State legislature have paved the way for passage of a bill that will provide protection to victims of domestic violence 24 hours a day, seven days a week. The bill will enable abuse victims to obtain an order from a court commissioner—when courts are closed—that will provide protection until courts open and a temporary order can be obtained from a judge.



CHECKS AND BALANCES

Workload Assessment Model

The Maryland Judiciary is implementing a new methodology that will be used to improvement assessment of judicial resource needs in the trial courts. In collaboration with the National Center for State Courts (NCSC), the judicial workload assessment model will measure the workload of Maryland's trial courts, and define the need for judges in the circuit courts and the District Court.

The model entailed a two-month assessment of circuit and District Court judges, focusing on the time judges expended on various activities, both inside and outside the courtroom. The NCSC analyzed the data to determine the total amount of time, on average, expended from filing to disposition on the various case types and, thus the number of judges needed to effectively handle the courts' workloads.

The assessment validated previous judgeship needs analyses that indicated a need for additional judgeships in both trial courts.

Statewide Data Standards

Outlined throughout this report are the Judiciary's goals to foster public trust and confidence by making the court system more accessible, expedient, and accountable. Of critical importance to this effort is the establishment of management statistics and meaningful reports to assess system performance.

The Judiciary Statistical Oversight Committee was created to develop statewide data standards that will establish uniformity in data definitions, collection and reporting to support case management analysis and improvement. Establishing the standards will require

an examination of current needs, as well as future expectations.

A survey of primary users of judicial data was conducted to ascertain the type of data necessary and important for effective case management and judicial planning. After reviewing the survey results in the various subcommittees, delineated by case type, the Oversight Committee formulated statewide data standards for each case type within the circuit courts and the District Court.

The standards were adopted by the Judicial Council for statewide implementation. Judicial Information Systems (JIS) is in the process of making the necessary programmatic modifications to allow for the collection of all data elements not currently collected.

Civil Functional Standards

The Conference of Chief Justices, the Conference of State Court Administrators, and the National Association for Court Management have collaborated on an effort to establish minimum standards related to the functionality in trial court automated systems.

These standards, to be used in the development and procurement of case management systems, address communications; integration; docketing and indexing of case events; document report generation; management information; and financial accounting.

Shortly after the Conference of Chief Justices approved the civil case management functional standards, the Judicial Council unanimously adopted the standards for future use in the development or procurement of civil case management systems, both at the State and local level.

DRUG COURT COMMISSION

The Maryland Judiciary's commitment to its highly-successful drug courts will receive a boost from a new Commission which has been established by Judiciary leadership to standardize and advance these programs statewide.

According to Baltimore City District Court Judge Jamey H. Weitzman, Commission chair, "The Judiciary, through the leadership of Chief Judge Bell, is interested in making sure the development and operation of drug courts in Maryland is standardized and functioning at the highest levels. We will work to develop 'best practices' and coordinate efforts across the state to proceed in a more efficient manner."

Several counties and Baltimore City presently have drug courts. These programs, geared to nonviolent drug addicts, combine extensive supervision of participants with comprehensive drug treatment, thus addressing all aspects of addiction. The programs also reintroduce graduates into society by providing life skills services such as job placement, assisting with housing, and helping them reunite with their families.

Maryland's drug courts have been resoundingly successful. In Baltimore City District Court, for example, the recidivism rate for graduates is approximately 10 percent.

The commission will include members of the Judiciary (listed below), and members from the Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Office of the Public Defender, Office of the State's Attorney, addiction treatment community, Governor's Office of Crime Control and Prevention, Legislature, and the Maryland Association of County Health Officers. The goal of the commission is to:

- Encourage a comprehensive systems approach to the development and implementation of Drug Treatment Courts within Maryland;
- Assist interested local jurisdictions in the development of Drug Treatment Courts by drawing upon accepted national policies and practices relevant to Drug Treatment Court programs and by providing technical assistance, training and other support;
- Provide coordination and support for local Drug Treatment Court activities within the State; and
- Provide guidance and systems support for the implementation, management and evaluation of Drug Treatment Court programs.

Drug Court Commission (Judges)

District

Hon. Jamey H. Weitzman, Baltimore City, *Chair*
 Hon. Stephen J. Baker, Cecil County
 Hon. Louis A. Becker, III, Howard County
 Hon. Victor K. Butanis, Harford County
 Hon. Richard A. Cooper, Charles County
 Hon. James W. Dryden, Anne Arundel County

Circuit

Hon. Thomas E. Noel, Baltimore City, *Vice Chair*
 Hon. Kathleen Gallogly Cox, Baltimore County
 Hon. Donald C. Davis, Wicomico County
 Hon. Eric M. Johnson, Montgomery County
 Hon. Maureen M. Lamasney, Prince George's County
 Hon. Julie R. Stevenson, Frederick County

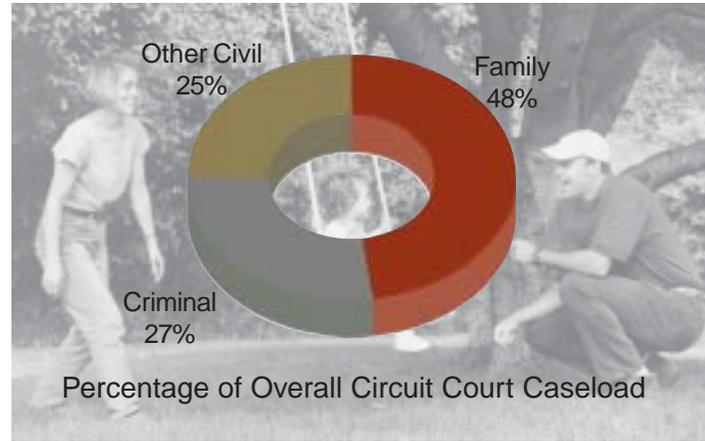


Circuit Court Family Divisions and Family Services Programs

The Maryland Judiciary began an important initiative to improve its responsiveness to families and children when it created circuit court family divisions and family services programs in 1998. In creating the family divisions, the Judiciary recognized the need for some mechanism to evaluate the impact of reforms being undertaken in the family law area.

Consequently, a set of performance standards and measures were developed to provide a blueprint for future developments, and a benchmark for evaluating performance to date. The Performance Standards and Measures highlight five values essential to the administration of justice: access to justice; expedition and timeliness; equality, fairness and integrity; accountability and independence; and public trust and confidence.

In FY 2000-2001, the Family Division focused on planned growth, specialized programs, and changes designed to assist the courts in implementing the evaluation process envisioned in the performance standards. The Family

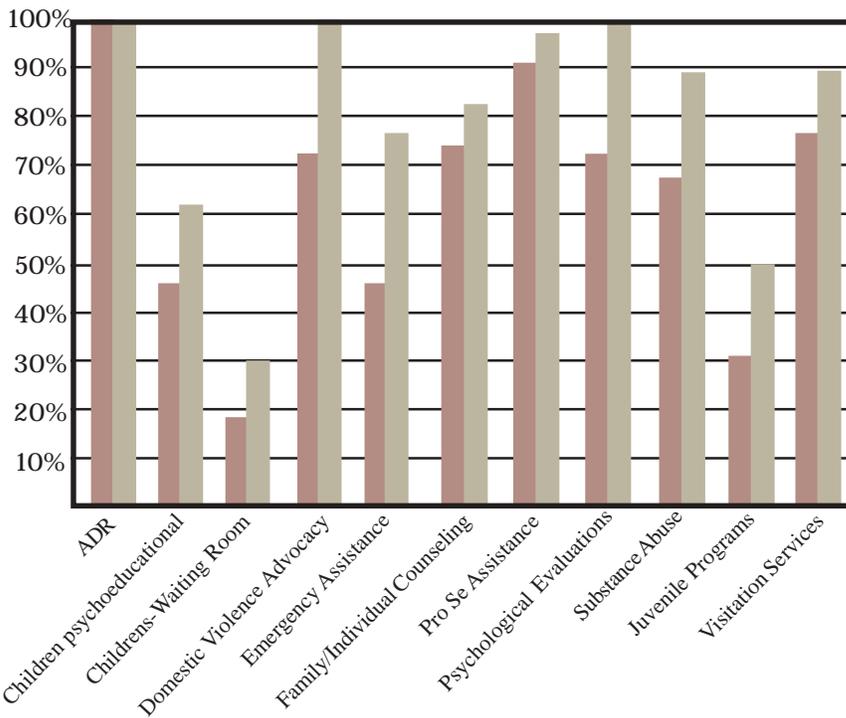


Division added coordinators in all 24 jurisdictions in an effort to provide every jurisdiction, regardless of size, with a budget for services to families and funding for a family support services coordinator. In each jurisdiction, there is a requirement to develop and provide a full spectrum of services—alternative dispute resolution (ADR); evaluative, educational and therapeutic; safety and protection; and legal—to assist families and children involved with the Maryland legal system. In certain jurisdictions, additional programs have been developed to meet the needs of specific populations.

ADR programs present the opportunity for litigants to remain the primary decision-makers for themselves and their children. To further promote ADR, the Family Services Program offered mediation training to family support service coordinators, court administrators and masters—which permit these court professionals to use mediation skills in working formally and informally with litigants in a variety of settings.

Also in the past year, the Family Services Program expanded its support for Protective Order Advocacy Representation programs, helped move passage of the revised CINA statute, adopted Child Counsel Guidelines for CINA and TPR cases, and revised forms and placed family publications online at www.courts.state.md.us/family/index.html.

Percentage of Maryland Jurisdictions Offering Specific Family Support Services



The Annual Report of the Family Divisions and Family Services will soon be available online at the above address.



Reaching Out to Youth

Throughout the State, judges have been working closely with children and teens in their communities to foster education, awareness, and understanding.

Anne Arundel District Court Judge Vincent A. Mulieri invited more than 100 ninth grade students to his courtroom to witness first-hand the consequences of driving under the influence of alcohol. As part of the District Court's "School in the Courts" program, students watched as Judge Mulieri presided over real court cases involving drunk driving. The students were then briefed by District Court Chief Judge Martha F. Rasin (who has since returned to the trial bench) on the compounding effects of a DWI arrest, and were later separated into groups to discuss underage drinking and driving with justice and law enforcement officials and drunk driving victims.

"We're trying to be proactive," said Judge Mulieri. "Usually the courts listen to the case and react, but with 'School in the Courts,' students can see the consequences of drinking and driving, which could deter them from such conduct."

The Baltimore City Circuit Court Family Division presented a Children's Art Exhibit at the Family Division headquarters. The exhibit featured 32 framed paintings from talented local elementary school children, who were mentored by students at the Maryland Institute, College of Art (MICA).

"This is a wonderful reciprocal program, and an excellent example of how two institutions can enhance their offerings to the public," said Baltimore City Circuit Court Administrative Judge Ellen M. Heller. "I hope the artwork will give the Family Division a more inviting atmosphere, while lessening a child's anxiety about coming to court."

The Family Division is developing partnerships with local libraries to have books and library services donated to waiting areas in the courthouse. Children's reading rooms have already been instituted in several courthouses to help lower the anxiety of a child who may be awaiting CINA or custody hearings, who are accompanying siblings to juvenile proceedings, or who are waiting with parents involved in civil cases.

"These are all steps to make the court process less adversarial, and to have more results with the child in mind," said Baltimore City Circuit Court Judge Marcella A. Holland.

The revitalized Maryland Judiciary Speakers Bureau (MJSB) has enlisted judges, masters, and court officials to visit schools and juvenile institutions to discuss court-related matters. A significant number of judges have already visited schools and educational institutions to converse with students about important topics, such as juveniles in court, drunk driving, and teen violence.

ACCESSABILITY

Committee on Access to Court Records

One issue of great concern to the public involving the Maryland Judiciary in fiscal 2000-2001 was access to court records. At the close of 2000, hundreds of public and private citizens and organizations voiced their opinion on how the Judiciary should revise—if at all—its policy on providing access to paper and electronic records.

An expanded task force has been appointed to provide the courts with divergent perspectives on this hotly-debated issue. The new committee, chaired by Judge Paul Alpert, includes broad representation from organizations and interests as diverse as the American Civil Liberties Union, financial services, housing, business, private investigators/security, privacy, the media, the Public Justice Center, the Department of Public Safety and Correctional Services, the General Assembly, and the Maryland State Bar Association.

The expanded committee has branched out into four subcommittees:

-  Subcommittee on public access to court records policies in other states and the Federal system;
-  Subcommittee on technological aspects of JIS (Judicial Information Systems) and CJIS (Criminal Judicial Information System) databases;
-  Subcommittee on interest and values associated with privacy and access; and
-  Subcommittee on legal framework; constitutional and common law rights of access to court records.

The full Committee on Access to Court Records is expected to provide formal recommendations to the Court of Appeals in early-2002.



Recommendations from the ad hoc committee, along with meeting summaries, subcommittee reports, and other relevant committee information, can be viewed on the Maryland Judiciary website at www.courts.state.md.us.

Maryland Judiciary Website



Now more than ever, court users can obtain important court information 24 hours a day, seven days a week via the court's website www.courts.state.md.us.

In the past year, the Maryland Judiciary website has been remodeled to improve user-friendliness, and expanded to include more pertinent information. Below are examples of recent additions to the website:

-  A comprehensive Frequently Asked Questions (FAQs) page;
-  District Court page now available in Spanish;
-  Access to recent and archived publications, reports, and opinions;
-  Easier and faster links to the courts, court-related offices, and court services; and
-  Family law forms for divorce, child support and other domestic relations situations. Bar application forms are also available on-line.

EFFICIENCY

Departments Unification

Taking a major step toward consolidating Maryland Judiciary's human resources needs into a single source, the human resources functions in the Headquarters of the District Court is merging with those in the Administrative Office of the Courts (AOC).

The newly-developed Human Resources (HR) Department will provide unified services for the entire Judiciary. The actual unification of the two offices involves the following:

Phase One - The physical consolidation of human resources functions and staff, which include bringing employees performing like functions together in common locations.

Phase Two - The analysis, review and consolidation of current systems, procedures and policies used by both the District Court and the Administrative Office of the Courts will take place.

Phase Three - Continuous quality review of the operations and effectiveness of the overall consolidation. This phase also includes the development of new, innovative human resources programs, practices and procedures.

The Maryland Judiciary is using the HR unification as a model for the merging of administrative functions presently duplicated in the District Court and the Administrative Office of the Courts, including: Budget and Finance; Procurement and Contract Administration; and Audit.

Along with the HR merger, the unification of each of these departments will ensure that the Judiciary operates more efficiently and with a singular purpose.

E-filing

Baltimore City Circuit Court has launched an e-filing pilot program that may revolutionize the way Maryland courts process mass tort cases. Under the two-year e-filing pilot program, authorized by the Court of Appeals, the participating courts will accept e-filings for asbestos litigation—which could speed up the process for some 22,000 existing and future asbestos cases.

E-filing offers myriad benefits for the court, for law firms, and for taxpayers. Judges can immediately access court records from the bench or from chambers, and can issue and serve court orders electronically. Litigants will save time and money on photocopying, filing, and serving documents. Attorneys will be able to serve, receive, review, and retrieve copies of the pleadings, orders and other documents from any computer via the Internet. For all parties involved, e-filing means more efficient use of resources and office space.

The pilot project is available at no cost to taxpayers, and should help clear out the state's heavy asbestos docket, and consequently, speed up case flow.

"Maryland's heavy asbestos docket is consolidated in Baltimore City Circuit Court, which has created unique challenges for case management," said Baltimore City Circuit Administrative Judge Ellen M. Heller. "Already during the past year, we have made major strides in the scheduling of these cases. Now, we will be able to put order in the voluminous paper associated with the filings. There is too much paper associated with the law, and this is the first step in bringing that under control."

A formal assessment and evaluation of the pilot will be conducted after its conclusion in 2003, at which time the Court of Appeals may determine if e-filing is suitable for non-asbestos litigation.



M A C R O

M E N O E F
 A R D N O S F
 Y I A T I O L U T I C
 L A T I O N
 A N D
 D N

In fiscal year 2001, the Maryland Alternative Dispute Resolution (ADR) Commission completed its work as a Commission by implementing its plans to create a permanent state office of dispute resolution. The Judiciary's new Maryland Mediation and Conflict Resolution Office (MACRO) was formed as a separate court-related agency to

continue the ADR Commission's work to advance alternatives to litigation and alternatives to violence in Maryland's courts, communities, schools, state and local government agencies, criminal and juvenile justice programs, and businesses. MACRO has begun the difficult work of moving beyond individual projects into the much-needed phase of institutionalizing good conflict management processes. It is working collaboratively to develop uniform ADR program evaluation tools, and to establish mediator quality assurance programs across the state.

Although it is a relatively new entity, MACRO is becoming an increasingly important resource for the legislative, judicial and executive branches, as well as for the citizenry. MACRO has mapped out a sensible course of action, created widespread demand for improved conflict resolution systems, trained many court employees in ADR awareness, helped to establish dozens of new programs, and paved the foundation for long-term change.

2000-2001
 ACCOMPLISHMENTS

Supported the growth of effective mediation programs in the Circuit Courts for Anne Arundel, Allegany, Charles, Frederick, Howard and Worcester County

Supported a statewide District Court ADR Initiative that began with pilot civil mediation programs in Anne Arundel County and Baltimore City and now includes 18 new District Court mediation programs across the state that provide free mediation services

Promoted model peace schools in Prince George's and Howard County, and funded mentoring relationships for each to assist other schools in replicating their successes

Helped to establish a new peer mediation program at the University of Maryland at College Park, and co-hosted conferences on healthcare mediation and family conflict resolution with the UM-School of Law

Supported ADR processes, training programs and projects within the Maryland Department of the Environment, the Human Relations Commission, the Office of Administrative Hearings, the Attorney General's Office, the Maryland State Police, the Maryland Department of Health and Mental Hygiene, and other State and local agencies

Created the Maryland Association of Community Mediation Centers (MACMC), a 501(c)3 non-profit organization which has set standards for community mediation programs statewide

Co-sponsored a conference on the benefits of conflict management Systems for businesses and organizations, with the University of Baltimore Institute for Negotiations and Conflict Management

Helped to establish a new statewide Community Conferencing Center to resolve juvenile justice cases and transform community conflicts into community building opportunities

 More information on MACRO can be found on the Maryland Judiciary website www.courts.state.md.us/adr.html

COURTS

The 2000-2001 Maryland Judiciary Annual Report is a synopsis of the State court system's advancements and improvements made from July 1 to June 30. The report, created by the Court Information Office, can be found on the Maryland Judiciary website at www.courts.state.md.us.

The report serves as an accompaniment to The Annual Report of the Maryland Judiciary Statistical Abstract, prepared by Circuit Court Management Services, Administrative Office of the Courts. Both reports can be obtained through the Court Information Office.

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